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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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7590 12/14/2005

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EXAMINER

TRAN, TRANG U

| ART UNIT | PAPER NUMBER |
|----------|--------------|
|----------|--------------|

2614

DATE MAILED: 12/14/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/748,951

Applicant(s)

MENEZ, BENOIT POL

Examiner

Trang U. Tran

Art Unit

2614

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 September 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-11 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on Sept. 30, 2005 has been entered.

Response to Arguments

2. Applicant's arguments with respect to claims 1-11 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Qureshey et al (US 2002/0072326 A1) in view of Reyes (US 5,982,448).

In considering claim 1, Qureshey et al discloses all the claimed subject matter, note 1) the claimed accessing an on-screen display for the receiver is met by a menu display 320 that allows the user to access the various setup and control displays shown in FIGS. 3D-3E (FIGS. 3B and 3D-3E, page 4, paragraph #0050) and 2) the claimed

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selecting a language by entering a single selection on the on-screen display is met by the activating a select-language display 310 (FIGS. 3B-3C, page 4, paragraphs #0049 and #0050 and page 5, paragraph #0057). However, Qureshey et al does not specifically disclose the newly added limitation wherein after the selection, the on-screen displays are displayed in the selected language and the audio programs are broadcast on the receiver in the selected language.

Reyes teaches in col. 4, lines 20-34 that

“As best shown in FIG. 1, an array of language buttons 18 are situated on the top face of the selector unit and each have indicia representative of one of a plurality foreign languages. Such languages include English, Italian, Japanese, African, Spanish, etc. Each button is adapted to allow the transmission of one of the subcarrier channels to the television upon the depression thereof. As such, the language associated with the sub-carrier channel which is sent to the television corresponds with the language represented by the indicia on the depressed button. It should be noted that the television signal channel received from the source of **closed captioning is automatically matched with the channel currently received by the source of the television signals to ensure that the closed captioning is representative of the audio signals of the currently received television signal.**”

It would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the capability of automatically matching the closed captioning with the currently received by the source of the television signals as taught by Reyes

into Qureshey et al's system in order to ensure that the closed captioning is representative of the audio signals of the currently received television signal.

In considering claim 2, the claimed step of saving the selection of the language to a memory is met by the selecting of the available languages (Fig. 3B, pages 4-5, paragraph #0052 of Qureshey et al).

In considering claim 3, the claimed wherein the on-screen displays including closed captioning is met by displayed the closed captioning corresponds to the language selected (Figs. 3 and 4, col. 4, lines 21-45 of Reyes).

In considering claim 4, the claimed wherein the on-screen displays including teletext is met by displayed the closed captioning corresponds to the language selected (Figs. 3 and 4, col. 4, lines 21-45 of Reyes).

In considering claim 5, the claimed wherein a remote control device and a microprocessor are used to select the language are met by the wireless remote 135 and the Central Processor Unit (CPU 202) (page 3, paragraphs #0037 and 0038 of Qureshey et al).

Claims 6-7 are rejected for the same reason as discussed in claims 1-2, respectively.

In considering claim 8, the claimed wherein the single selection selects the language in which all selectable display and audio features of the digital receiver are displayed and broadcast even if certain ones of said display and audio features are not selected by a user is met by the selecting of the available languages (Fig. 3B, pages 4-5, paragraph #0052 of Qureshey et al).

Claim 9 is rejected for the same reason as discussed in claim 5.

Claims 10-11 are rejected for the same reason as discussed in claims 3-4, respectively.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Trang U. Tran whose telephone number is (571) 272-7358. The examiner can normally be reached on 8:00 AM - 5:30 PM, Monday to Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John W. Miller can be reached on (571) 272-7353. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

TT
December 9, 2005



Trang U. Tran
Examiner
Art Unit 2614